

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

8mg
ROES

Report A

L.D. 1530

Date: 4/9/14

(Filing No. S-508)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 577, L.D. 1530, Bill, "An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §405, sub-§3, ¶T, as enacted by PL 1995, c. 395, Pt. J, §4, is amended to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results, established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

Sec. 2. 20-A MRSA §1001, sub-§8, as amended by PL 1983, c. 859, Pt. K, §§3 and 7, is further amended to read:

8. Operate public preschool programs, kindergarten and grades one to 12. They shall either operate programs in kindergarten and grades ~~1~~ one to 12 or otherwise provide for students to participate in those grades as authorized elsewhere in this Title. To the extent the State provides adequate funding, they shall operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. A school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs, but any public preschool program a school board operates or provides for students to participate in must comply with the requirements of this Title. They shall

ROFS

determine which students shall attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

Sec. 3. 20-A MRSA c. 203, sub-c. 3 is enacted to read:

SUBCHAPTER 3

PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE

§4271. State funding for public preschool programs

1. State funding. To the extent the State provides adequate funding, school administrative units shall operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. A school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs, but any public preschool program must comply with the requirements of this Title.

2. Allowable costs. Beginning with the 2015-2016 school year and for each subsequent school year, the State shall provide grant funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter. The grant funds provided for the allowable costs of operating public preschool programs must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to section 15689. The amount of the adjustment for operating public preschool programs that is added to the state share of the total allocation under this subchapter may not be included in the calculation of the local share amount of the qualified school administrative unit.

3. Targeted funds for public preschool program students. Beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this section, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to section 15681, subsection 4.

4. Grant funds. Beginning with the 2015-2016 school year and for each subsequent school year, the commissioner shall provide grant funding to qualified school administrative units to operate public preschool programs for children 4 years of age. Grants provided for allowable costs for approved public preschool programs must be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, including revenues distributed from general purpose aid for local schools that the department receives from casino slot machines or casino table games pursuant to section 15671, subsection 5-A.

5. Qualifications; rules. To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool program that meets standards and best practices for public preschool programs and demonstrates coordination with other early childhood programs in the community to maximize resources and provide comprehensive

1 services to meet the needs of children 4 years of age in accordance with this subchapter
2 and rules adopted by the commissioner.

3 A. In awarding grants under this section for the 2015-2016, 2016-2017 and 2017-
4 2018 school years, the commissioner shall give priority to a qualified school
5 administrative unit that has a greater percentage of economically disadvantaged
6 students as determined pursuant to section 15675, subsection 2 than other qualified
7 school administrative units under this subsection and in accordance with the
8 following provisions:

9 (1) The first priority must be to award grant funds to a qualified school
10 administrative unit that does not operate a public preschool program and that
11 submits a plan for the development and operation of a new public preschool
12 program; and

13 (2) The 2nd priority must be to award grant funds to a qualified school
14 administrative unit that operates a public preschool program and that submits a
15 plan for the development and operation of an expanded public preschool
16 program.

17 B. Beginning with the 2018-2019 school year, the commissioner shall award grant
18 funds under this section to a qualified school administrative unit that operates a
19 public preschool program and that submits a plan for the development and operation
20 of an expanded public preschool program.

21 The commissioner shall adopt rules that establish criteria for the approval of
22 implementation plans and for the awarding of funds for the allowable costs of operating
23 public preschool programs. Rules adopted pursuant to this subsection are routine
24 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

25 **6. Application for federal public preschool funds.** The department may apply for
26 assistance from the Federal Government for the development of public preschool
27 programs for children 4 years of age on behalf of school administrative units in the State.
28 The department shall administer any federal funds received for the benefit of public
29 preschool programs in the State. As the designated state agency authorized to administer
30 federal funds, the department shall develop a state plan and application for funding public
31 preschool programs and shall disburse federal funds as authorized and required by
32 applicable federal law. Beginning in fiscal year 2015-16, the department shall provide
33 any federal funds received to qualified school administrative units as part of the grant
34 funding provided for the development and operation of public preschool programs under
35 this section.

36 **Sec. 4. 20-A MRSA §4501**, as amended by PL 2007, c. 141, §6, is further
37 amended to read:

38 **§4501. Duty of school units**

39 In accordance with the policy expressed in section 2, every school administrative unit
40 shall raise annually sufficient funds to maintain or support elementary and secondary
41 schools to provide free education for its resident students at all grade levels. These
42 schools shall meet the requirements of basic school approval. ~~School units that choose to~~
43 To the extent the State provides adequate funding, a school administrative unit shall offer

COMMITTEE AMENDMENT

ROFS

1 a an opportunity for every child 4 years of age residing in the school administrative unit
2 to attend a public preschool program ~~must meet~~, or a program affiliated with the school
3 administrative unit, meeting the requirements of basic school approval. It is the goal of
4 the State to provide adequate funding to ensure that public preschool programs for
5 children 4 years of age are offered by all school administrative units by the 2018-2019
6 school year and to ensure that adequate funding is provided for the operation of public
7 preschool programs for children 4 years of age during each subsequent school year. A
8 school administrative unit is not required to expend local revenues to operate public
9 preschool programs or to provide for students to participate in such programs, but every
10 public preschool program must comply with the requirements of this Title.

11 1. Assessment. The commissioner shall by rule establish a uniform common
12 statewide assessment program for kindergarten, which must be used by all school
13 administrative units in addition to other quality assessments school administrative units
14 determine to be necessary beginning with the 2016-2017 school year. The assessments
15 must be designed to measure student comprehension of academic content and mastery of
16 related skills and cover such areas as physical health and motor development; social and
17 emotional development; learning styles; language and literacy; and general cognition.
18 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
19 chapter 375, subchapter 2-A.

20 2. Grant funds. During the 2015-2016 to 2017-2018 transition period to develop
21 public preschool programs for children 4 years of age by the 2018-2019 school year in
22 accordance with this section, the department, if funds are available, shall award grants
23 pursuant to section 4271 to each qualified school administrative unit equal to the school
24 administrative unit's allowable costs to implement the approved plan to develop and
25 operate a new or expanded public preschool program. Grant funds must be used to fund
26 the allowable costs of the implementation plan not otherwise subsidized by the State, and,
27 during each subsequent school year following the 2018-2019 school year, grant funds
28 must be used to fund the allowable costs of operating public preschool programs not
29 otherwise subsidized by the State.

30 **Sec. 5. 20-A MRSA §4502, sub-§9,** as enacted by PL 2007, c. 141, §11, is
31 amended to read:

32 **9. Public preschool programs for children 4 years of age.** ~~Any~~ To the extent the
33 State provides adequate funding for a public preschool program for children 4 years of
34 age, a school administrative unit that ~~wishes to~~ does not have a public preschool program
35 for children 4 years of age shall develop an ~~early childhood program~~ a public preschool
36 program implementation plan for children 4 years of age ~~must submit a proposal~~ for
37 submission to and approval to by the department. Evaluation and approval of the
38 proposal must include consideration of at least the following factors:

- 39 A. Demonstrated coordination with other early childhood programs in the
40 community to maximize resources;
- 41 B. Consideration of the extended child care needs of working parents; and
- 42 C. Provision of public notice regarding the proposal to the community being served,
43 including the extent to which public notice has been disseminated broadly to other
44 early childhood programs in the community.

COMMITTEE AMENDMENT

1 Beginning with the 2015-2016 school year, the commissioner shall provide grants as set
2 forth in section 4271 to school administrative units to implement or expand public
3 preschool programs for children 4 years of age as required under this subsection.

4 **Sec. 6. 20-A MRSA §15671, sub-§5-A**, as enacted by PL 2013, c. 368, Pt. C, §5,
5 is amended to read:

6 **5-A. Funds from casino slot machines or table games.** Revenues received by the
7 department from casino slot machines or casino table games pursuant to Title 8, section
8 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A
9 must be distributed until the end of fiscal year 2014-15 as general purpose aid for local
10 schools, and each school administrative unit shall make its own determination as to how
11 to allocate these resources. Beginning in fiscal year 2015-16, these revenues must be
12 distributed by the department to fund approved public preschool programs for children 4
13 years of age in accordance with chapter 203, subchapter 3. Neither the Governor nor the
14 Legislature may divert the revenues payable to the department to any other fund or for
15 any other use. Any proposal to enact or amend a law to allow distribution of the revenues
16 paid to the department from casino slot machines or casino table games for another
17 purpose must be submitted to the Legislative Council and to the joint standing committee
18 of the Legislature having jurisdiction over education matters at least 30 days prior to any
19 vote or public hearing on the proposal.

20 **Sec. 7. 20-A MRSA §15689, sub-§14** is enacted to read:

21 **14. Adjustment for new or expanded public preschool programs for children 4**
22 **years of age.** Beginning in fiscal year 2015-16 and in each subsequent year, the
23 commissioner may increase the state share of the total allocation to a qualifying school
24 administrative unit to fund the allowable costs to operate a public preschool program for
25 children 4 years of age pursuant to chapter 203, subchapter 3 in accordance with section
26 4502, subsection 9. The amount of the adjustment for operating public preschool
27 programs for children 4 years of age that is added to the state share of the total allocation
28 under this subsection may not be included in the calculation of the local share amount of
29 the qualified school administrative unit. A school administrative unit that receives an
30 adjustment to the state share of the total allocation under this subsection may not use
31 those funds for purposes other than for the operation of a public preschool program for
32 children 4 years of age.

33 **Sec. 8. 20-A MRSA §15689-F, sub-§3**, as enacted by PL 2013, c. 368, Pt. C,
34 §20, is amended to read:

35 **3. Casino revenues.** If the annual funding for public education ~~from~~ for children in
36 public preschool programs and for children in kindergarten and grades one to grade 12 is
37 supported by casino revenues credited to the department pursuant to Title 8, section 1036,
38 the department shall journal expenditures from the General Purpose Aid for Local
39 Schools, General Fund account to the K-12 Essential Programs and Services, Other
40 Special Revenue Funds account to meet financial obligations and for purposes of cash
41 flow.

42 **Sec. 9. Implementation of universal availability of public preschool**
43 **programs for children 4 years of age; rules.** Prior to beginning the process of
44 adopting rules pursuant to the Maine Revised Statutes, Title 20-A, section 4271,

1 subsection 5 related to the Department of Education's recommended standards and best
 2 practices for public preschool programs for children 4 years of age, the Commissioner of
 3 Education shall invite stakeholders to provide their feedback and perspectives on the
 4 department's recommendations for school administrative units to phase in their
 5 implementation plans for the universal availability of public preschool programs for
 6 children 4 years of age by the 2018-2019 school year and the department's current
 7 partnership with other states and research partners in a consortium to establish a state-of-
 8 the-art system for assessing young children's learning from kindergarten entry to grade 3.

9 **1. Members.** The commissioner shall invite the involvement of at least the
 10 following persons to participate in the department's planning and research initiatives as
 11 members of the stakeholder group:

- 12 A. A senior policy analyst with the Maine Children's Alliance;
- 13 B. A youth development coordinator with the University of Southern Maine,
 14 Edmund S. Muskie School of Public Service, Maine Roads to Quality;
- 15 C. A representative of a private early childhood education program;
- 16 D. A private provider of an early childhood program;
- 17 E. A state-level Head Start collaboration coordinator;
- 18 F. A director of a Head Start program;
- 19 G. An early literacy provider from the staff of a Head Start regional program;
- 20 H. A case manager from a regional site of the Child Development Services System;
- 21 I. Two public prekindergarten teachers;
- 22 J. A family literacy provider;
- 23 K. A superintendent of schools;
- 24 L. An elementary school principal;
- 25 M. The executive director of the Maine Administrators of Services for Children with
 26 Disabilities;
- 27 N. The early childhood consultant in the Department of Education;
- 28 O. A community collaboration coach for public preschool programs in the
 29 Department of Education;
- 30 P. The state director of the Child Development Services System in the Department of
 31 Education;
- 32 Q. The literacy specialist in the Department of Education;
- 33 R. The federal liaison in the Department of Education;
- 34 S. The child care consultant in the Department of Health and Human Services; and
- 35 T. The state grants compliance coordinator in the Department of Health and Human
 36 Services.

37 **2. Report.** The commissioner shall submit a report to the Joint Standing Committee
 38 on Education and Cultural Affairs by December 3, 2014 containing a summary of the
 39 work of the consortium partners and stakeholders, as well as an outline of the rules

1 proposed by the department to implement the universal availability of public preschool
2 programs for children 4 years of age by the 2018-2019 school year.

3 **Sec. 10. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **EDUCATION, DEPARTMENT OF**

6 **PK-20, Adult Education and Federal Programs Team Z081**

7 Initiative: Provides funds for 80% of one Early Childhood Coordinator position and
8 related All Other costs beginning in fiscal year 2014-15.

9	GENERAL FUND	2013-14	2014-15
10	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
11	Personal Services	\$0	\$64,877
12	All Other	\$0	\$5,000
13			
14	GENERAL FUND TOTAL	\$0	\$69,877
15			

16 **SUMMARY**

17 This amendment, which is the majority report of the Joint Standing Committee on
18 Education and Cultural Affairs, strikes and replaces the bill to provide that the
19 implementation of universal voluntary public preschool programs by the 2018-2019
20 school year is subject to the extent that the State provides school administrative units with
21 adequate funding to operate public preschool programs or provide for students to
22 participate in such programs. The amendment makes the following changes to the bill.

23 1. It strikes the term "prekindergarten" and inserts in its place the term "public
24 preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A,
25 section 1, subsection 23-A as a program offered by a public school that provides
26 instruction to children who are 4 years of age.

27 2. It strikes the provisions in the bill that propose to change the compulsory age for
28 school attendance from 7 years of age to 5 years of age.

29 3. It amends the provision in Title 20-A that requires school boards to operate or
30 otherwise provide for the availability of kindergarten programs for students in order to:

31 A. Provide that school boards must also operate or otherwise provide for the
32 availability of public preschool programs for children 4 years of age to the extent that
33 the State provides adequate funding to operate public preschool programs; and

34 B. Clarify that a school administrative unit is not required to expend local revenues to
35 operate public preschool programs or to provide for students to participate in such
36 programs.

37 4. It strikes the provision in the bill that proposes to appropriate money from the
38 General Fund for awarding grants to school administrative units beginning in the 2014-
39 2015 school year to implement and expand prekindergarten programs. It authorizes the
40 Commissioner of Education to provide grant funding, beginning in the 2015-2016 school

1 year and for each subsequent school year, to qualified school administrative units to
2 implement plans to develop and operate public preschool programs from state, federal or
3 private funds appropriated, allocated or authorized by the Legislature for that purpose,
4 including revenues distributed from general purpose aid for local schools that the
5 Department of Education receives from casino slot machines or casino table games
6 pursuant to Title 20-A, section 15671, subsection 5-A.

7 5. It establishes the goal that the State provide adequate funding to ensure that public
8 preschool programs for children 4 years of age are offered by all school administrative
9 units by the 2018-2019 school year and ensure that adequate funding is provided for the
10 operation of public preschool programs for children 4 years of age by all school
11 administrative units during each subsequent school year.

12 6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent
13 school year, in addition to the grant funds awarded under this legislation, a school
14 administrative unit that operates a public preschool program must receive an additional
15 weight for the count of public preschool program students under Title 20-A, section
16 15675, subsection 3 and must receive targeted funds for public preschool to grade 2
17 students pursuant to Title 20-A, section 15681, subsection 4.

18 7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the
19 costs of operating public preschool programs for children 4 years of age must be added to
20 the adjustments to the state share of the total allocation received by qualified school
21 administrative units pursuant to Title 20-A, section 15689 and provides that the amount
22 of the adjustment for operating public preschool programs for children 4 years of age that
23 is added to the state share of the total allocation under this legislation may not be included
24 in the calculation of the local share amount of the qualified school administrative unit.

25 8. It amends the provision in the bill that directs the Commissioner of Education to
26 establish rules to implement a uniform common statewide screening and assessment
27 program for kindergarten by clarifying that the rule may establish only a uniform
28 common statewide assessment program for kindergarten and by specifying that school
29 administrative units may also implement other quality assessment programs they
30 determine to be necessary for kindergarten.

31 9. It changes the proposed amount of the General Fund appropriation for the Early
32 Childhood Coordinator position.

33 10. It changes the requirement in the bill that the Commissioner of Education
34 establish a stakeholder group to require that, prior to beginning the process of adopting
35 the Department of Education's rules related to the quality standards of program practice
36 for public preschool programs for children 4 years of age, the Commissioner of Education
37 invite stakeholders to provide their feedback and perspectives on the department's plan
38 for the phase-in of the universal availability of public preschool programs for children 4
39 years of age beginning with the 2018-2019 school year and the recommended standards
40 of program practice for public preschool programs for children 4 years of age. It also
41 amends the provision that requires the commissioner to submit a report to the Legislature
42 by clarifying that the report must contain a summary of the work of the stakeholders, as
43 well as an outline of the rules proposed by the department to implement the universal
44 availability of public preschool programs for children 4 years of age by the 2018-2019

ROFS

COMMITTEE AMENDMENT "A" to S.P. 577, L.D. 1530

1 school year, and providing that the report must be submitted to the Joint Standing
2 Committee on Education and Cultural Affairs by December 3, 2014.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



126th MAINE LEGISLATURE

LD 1530

LR 171(02)

An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-508)
 Committee: Education and Cultural Affairs
 Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	\$69,877	\$69,667	\$320,576
Appropriations/Allocations				
General Fund	\$0	\$69,877	\$69,667	\$320,576

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$69,877 to the PK-20, Adult Education and Federal Programs Team program within the Department of Education for 80% of the cost of one Early Childhood Coordinator position and related all other beginning in fiscal year 2014-15. The requirement that a uniform common statewide assessment program be established for kindergarten which must be used by all local school administrative units (SAU's) beginning with the 2016-2017 school year will result in a one-time General Fund cost to the Department of Education of approximately \$248,000 in fiscal year 2016-17 for professional development for teachers, principals and central office representatives, including the cost for teacher stipends, travel reimbursement and other related expenses. According to the Department of Education, it is part of a multistate consortium that will be working on developing a kindergarten assessment over the next 3 and a half years as part of a federal grant. This fiscal note assumes that the assessment tool will be provided to SAU's at no cost and will be administered to students during normal school hours.

This legislation requires SAU's to operate or otherwise provide for the availability of a public preschool program if adequate funding is provided from State, federal and/or private funding sources, including slot machine and table game revenue from the Oxford Casino distributed to SAU's by the Department of Education pursuant to current law. This legislation also provides that SAU's are not required to expend any local revenues to implement and operate a public preschool program.

Public Law 2013, Chapter 368, Part C, section 5 required funds from casino slot machines and casino table games distributed by the Department of Education pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A to SAU's as general purpose aid for local schools with each SAU making its own determination as to how to allocate the funds. This legislation diverts those funds by requiring that, beginning in fiscal year 2015-16, slot machine and table games revenue from the Oxford Casino be used to fund an approved plan for the development or expansion of a public preschool program. Current estimates of slot machine and table game revenue to be distributed to SAU's for K-12 public education for fiscal year 2015-16 and fiscal year 2016-17 are projected to be \$19.3 million and \$19.5 million respectively.

The total cost for SAU's to provide a public preschool program will depend on the number of students that participate in the program each year. Had this requirement been in place during the 2013-2014 school year the cost to the State associated with funding 100% of the total cost of the public preschool program is estimated to have been between \$42.3 million and \$102.2 million depending on the number of 4 year olds enrolled. After adjusting for state funding currently being provided to those SAU's that are offering public preschool programs in the 2013-2014 school year, the additional cost to the State would have been between \$26.1 million and \$85.9 million. These estimates are based on the following:

10/1/2013 Kindergarten Count	13,365
10/1/2013 4 year olds plus Pre-K 5 year olds Counts	4,887
Estimated additional public preschool program students	<u>8,478</u>

FY14 State Elem EPS Rate	\$ 6,415
FY14 State Elem EPS Rate @ 10% for PreK-2 Targeted Funds	\$ 642
Total estimate per student	<u>\$ 7,057</u>

Total FY 14 cost - additional public preschool students	\$ 59,825,007
Total FY 14 cost -existing public preschool students	<u>\$ 34,485,116</u>
Estimated FY 2014 cost for public preschool program	\$ 94,310,123

Classroom cost	63 classrooms @ \$125,000	\$ 7,875,000
----------------	---------------------------	--------------

Assume 100% eligible student participation:

Estimated FY 2014 cost for public preschool program	\$ 94,310,123
Classroom cost	<u>\$ 7,875,000</u>

Cost to fund 100% of public preschool program	\$ 102,185,123
less: FY 14 Estimated state funding provided for pre-k programs	<u>\$ 16,308,011</u>

Estimated additional state funding needed (100% student participation)	<u>\$ 85,877,111</u>
--	-----------------------------

Assume only currently participating students continue to participate:

Estimated FY 2014 cost for public preschool program	\$ 34,485,116
Classroom cost	<u>\$ 7,875,000</u>

Total cost	\$ 42,360,116
------------	---------------

Cost to fund 100% of public preschool program	\$ 42,360,116
less: FY 14 Estimated state funding provided for pre-k programs	<u>\$ 16,308,011</u>
Estimated additional state funding needed (no new student participation)	<u>\$ 26,052,104</u>

Additional costs to the Department of Education associated with gathering the required feedback and submitting the required report can be absorbed within existing budgeted resources.